In re application of MATTHEWS ET AL
Application No. 09/503,137

REMARKS

The Office action has been carefully considered. The Office action has rejected

claims 18-33, 35-41, 46-50, 52, 59-68 and 72-87 under 35 U.S.C. § 102(e) as being

anticipated by U.S. Patent No. 5,905,492 to Straub et al (hereinafter "Straub"). The

Office action has also rejected claim 34 under 35 U.S.C. §103(a) as unpatentable over

Straub in view of Official Notice taken by the Examiner. The Office action has rejected

claims 42-45 under 35 U.S.C. §103(a) as unpatentable over Straub in view of U.S. Patent

No, 5,745,112 to Hirose (hereinafter "Hirose"). The Office action has rejected claims 56

under §103(a) as unpatentable over U.S. Patent No. 6,061,695 to Slivka et al (hereinafter

"Slivka") in view of U.S. Patent No. 5,877,765 to Dickman et al (hereinafter

"Dickman"). By present amendment, claims 18-50, 52, 56, 59-68 and 72-87 are canceled

without prejudice. Claims 88-142 have been added as new. Applicants submit that the

claims as filed were patentable over the prior art of record, and that the amendments

herein are for purposes of clarifying the claims and/or for expediting allowance of the

claims and not for reasons related to patentability. Regarding the rejections, applicants

respectfully disagree and traverse these rejections. For the reasons discussed in detail

below, all of the pending claims are in condition for allowance. Reconsideration is

respectfully requested.

Applicants thanks the Examiner for the interview held (by telephone) on June 29,

2004. During the interview, the Examiner and applicants' attorney discussed the claims

17

In re application of MATTHEWS ET AL
Application No. 09/503,137

with respect to the prior art. The essence of applicants' position is incorporated in the

remarks below.

Applicants' technique is generally directed towards a shell user interface that

provides for an aggregation of local and web information on a personal computer. The

shell user interface includes multiple pages that are interconnected through hyperlinks.

The pages are arranged in a hierarchical manner and form a single unified manner for

accessing programs, documents, system information, and devices regardless of source

location (whether local or remote). Programs, documents and websites may be registered

with the multiple-page shell user interface and information about the programs, such as

categories and capabilities may be written into a database. Additionally, programs,

documents, and websites may also be registered with particular pages.

The shell user interface provides one place from which a user may access

resources, without opening separate programs and menus to locate the resources. This

shell user interface simplifies locating resources. For example, rather than clicking on

file exploring software, such as Microsoft® Internet Explorer, to locate local files and

Internet content, along with a system toolbar to access system resources and external

devices, a user can use the shell user interface of the present invention to locate the files,

content and resources.

Note that the above description is for informational purposes only, and should not

be used to interpret the claims, which are discussed below.

In contrast to the present invention, Straub is generally directed towards a method

for updating themes for an operating system, e.g., by periodically retrieving updating

18

In re application of MATTHEWS ET AL
Application No. 09/503,137

resources from a remote computer at which the updating resources are stored by a theme

provider, so as to provide continually updating enhancements to the graphical user

interface display consistent with the theme's topic.   Significantly, Straub fails to teach,

suggest or provide any motivation for a shell user interface having multiple pages

hierarchically arranged and interconnected through hyperlinks. Further, Straub fails to

teach, suggest, or provide any motivation for placing links to tasks of an application

program in a shell user interface.

Among other limitations, new independent claims 88, 89, 93, 99, 101, 118, 126,

135, and 136 generally recite subject matter of "a shell user interface having a plurality of

pages, wherein the plurality of pages are arranged in a hierarchy" and "registering a

resource with the shell user interface as one of a group of resources to be display on a

page of the plurality of pages." For example, claim 88 recites among other limitations

"registering a computer resource with a shell user interface as one of a group of computer

resources displayed as a link upon a page within a plurality of pages of the shell user

interface, wherein the plurality of pages are arranged in a hierarchy" and "displaying on

the page in the shell user interface the link associated with the computer resource

registered as one of the group of computer resources." Claim 89 recites among other

limitations "registering a resource with a shell user interface as one of a group of

resources to be display on a page, the resource including at least one of a document, a

program, a task stored in the computer system, and a device of the computer system."

Claim 93 recites among other limitations "registering a task that is available in an

application program with a shell user interface as one of a group of resources to be

19

In re application of MATTHEWS ET AL
Application No. 09/503,137

displayed on a page." Claim 99 recites among other limitations "registering tasks that arc

available for a plurality of application programs with a shell user interface" and

"grouping a set of the tasks to be displayed on a page of the shell user interface." Claim

101 recites among other limitation "providing a shell user interface having a plurality of

pages including a first page, wherein the plurality of pages are arranged in a hierarchy"

and "registering files with the shell user interface as one of a group of resources to be

displayed on the first page." Claim 118 recites among other limitations "registering

executable code with a shell user interface as one of a group of resources to be displayed

on a first page within a plurality of pages of the shell user interface, wherein the plurality

of pages are arranged in a hierarchy." Claim 126 recites among other limitations

"registering executable code with the shell user interface as one of a group of resources to

be displayed on a page in the shell user interface." Claim 135 recites among other

limitations "providing a shell user interface having a plurality of pages, wherein the

plurality of pages are arranged in a hierarchy" and "registering executable code with the

shell user interface as one of a group of resources to be displayed on a page in the shell

user interface." Claim 136 recites among other limitations "providing a shell user

interface having a plurality of pages, wherein the plurality of pages are arranged in a

hierarchy" and "registering a resource with the shell user interface as one of a group of

resources to be displayed on a page in the shell user interface."

Straub fails to teach, suggest or provide any motivation for a shell user interface

having multiple pages hierarchically arranged and interconnected through hyperlinks.

Further, Straub fails to teach, suggest, or provide any motivation for registering resources

20

In re application of MATTHEWS ET AL
Application No. 09/503,137

with the shell user interface and placing links to tasks of an application program in a shell

user interface. Notwithstanding, the Office action cited FIGURE 6 and column 15, lines

7-45 to allege that Straub discloses "a shell user interface having a plurality of pages."

See Office Action, p. 3. However, while the cited text of Straub mention the word

"pages," the pages are not pages of a "shell user interface" as recited in independent

claims 88, 89, 93, 99, 101, 118, 126, 135, and136. Furthermore, resources such as a

program, document, task, website or device are not registered with the shell user interface

as one of a group of resources to be displayed on a page of the shell user interface.

Rather, the resources mentioned by Straub are multi-media resources such as still images,

video, sounds, animations, and text that are conceptually related to a topic and theme

used to alter various sensory elements of the interface, such as the wallpaper, the mouse

pointer, the icons, and the sounds presented in the interface. These multi-media resources

of a theme may be applied to the graphical user interface by setting identifying

information into a system registry or configuration files. See Straub column 6 lines 31-

50. Nowhere in Straub is there any mention of registering resources such as program,

document, task, website or device with the shell user interface as one of a group of

resources to be displayed on a page of the shell user interface.

Moreover, one of skill in the art would not be motivated to modify Straub, which

deals with applying a theme to an already-existing user interface, to reach the subject

matter of these claims. Straub is silent as to anything remotely resembling modifying the

already-existing user interface into a shell user interface having hierarchically arranged

pages.

21

In re application of MATTHEWS ET AL
Application No. 09/503,137

In order to support an anticipation rejection, the Office Action must show that each and every element of the claimed invention is disclosed in a single reference, and that each element is arranged as in the claim. Straub does not teach or even suggest a shell user interface having a plurality of hierarchically arranged pages, let alone providing hyperlinks between the pages. Moreover, Straub does not teach or even suggest registering resources such as program, document, task, website or device with the shell user interface as one of a group of resources to be displayed on a page of the shell user interface. For at least the forgoing reasons, Straub fails to meet these requirements; and thus applicants submit that claims 88, 89, 93, 99, 101, 118, 126, 135, and136 and their dependent claim are clearly patentable over Straub as a matter of law.

Furthermore, new independent claim 125 recites among other limitations "providing a shell user interface that enables the display of one or more pages" and "making an option available while displaying each of a plurality of pages, the option being associated with a file system comprising a plurality of favorites folders." The Office action rejected canceled claim 56 with these same limitations under 35 U.S.C. § 103(a) as being unpatentable over Slivka in view of Dickman. Applicants point out that the Office action has twice failed to address applicants' position in response to the December 4, 2002 Office Action and the March 5, 2004 Office Action that Slivka does not qualify as prior art under 35 USC §103(c). As was set forth in the attached STATEMENT TO ESTABLISH COMMON OWNERSHIP attached to the response to the December 4, 2002 Office Action and the March 5, 2004 Office Action, applicants submitted that the current application and the patent of Slivka were, at the time the

22

In re application of MATTHEWS ET AL
Application No. 09/503,137

invention of the present application was made, owned by, or subject to an obligation of

assignment to the same entity. Pursuant to 35 U.S.C. § 103(c), applicants request a third

time that this reference be withdrawn with respect to the rejection of any claims. For at

least this additional reason, claim 125 is patentable over the prior art of record.
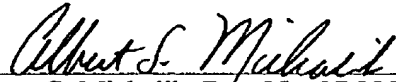
23

In re application of MATTHEWS ET AL
Application No. 09/503,137

Conclusion

In view of the foregoing remarks, it is respectfully submitted that claims 88-142 of the present application are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.
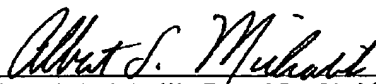
Respectfully submitted,

Albert S. Michalik, Reg. No. 37,395
Attorney for Applicants
Law Offices of Albert S. Michalik, PLLC
704 - 228th Avenue NE, Suite 193
Sammamish, WA 98074
(425) 836-3030
(425) 836-8957 (facsimile)

24

In re application of MATTHEWS ET AL
Application No. 09/503,137

STATEMENT TO ESTABLISH COMMON OWNERSHIP

(Regarding U.S. Patent No. 6,061,695)

Applicants, through the attorney of record, state that the present application and each of the above-identified references were, at the time the invention was made, owned by, or subject to an obligation of assignment to the same entity.

Albert S. Michalik
Albert S. Michalik, Reg. No. 37,395
Attorney for Applicants
Law Offices of Albert S. Michalik, PLLC
704 - 228th Avenue NE, Suite 193
Sammamish, WA 98074
(425) 836-3030
(425) 836-8957 (facsimile)

25